IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.2246 OF 2004
IN
APPEAL NO.70 OF 2004
FROM
SUMMONS FOR JUDGMENT NO.73 OF 2002
IN
SUMMERY SUIT NO.4046 OF 2001

Gumanmal S. Bafna .. Appellant

v/s.

Amit Umraochand Jain .. Respondent

Mr.Shailesh Shah with Ms.Mamta Sadh i/by Mr.Ashok Purohit for appellant.

Mr.Tushar Goradia for respondent.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 17th September, 2004

P.C.

Heard.

2. The notice of motion is disposed of by the following order:-

i) The appellant is granted two months time for depositing the entire decretal amount with the Prothonotary & Senior Master of this court.

ii) The respondent-decree holder shall be at liberty to withdraw the said amount on furnishing solvent surety/security to the satisfaction of the Prothonotary & Senior Master for restitution of the said amount in the event of appellant's succeeding in the appeal.

iii) Upon the appellant's filing an undertaking before this court within one week for compliance of the direction contained in para (i) of this order, the execution of the impugned judgment and decree dated 11th August, 2003 shall remain stayed.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)